

ESTTA Tracking number: **ESTTA30032**

Filing date: **04/07/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

### Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

#### Opposer Information

<b>Name</b>	Assist-2-Sell, Inc.
<b>Granted to Date of previous extension</b>	04/09/2005
<b>Address</b>	1610 Meadow Wood Lane Reno, NV 89502 UNITED STATES

<b>Attorney information</b>	Scott A. Gronek 1610 Meadow Wood Lane Reno, NV 89502 UNITED STATES sgronek@assist2sell.com Phone:(775) 336-4258
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#### Applicant Information

<b>Application No</b>	78358132	<b>Publication date</b>	02/08/2005
<b>Opposition Filing Date</b>	04/07/2005	<b>Opposition Period Ends</b>	04/09/2005
<b>Applicant</b>	List4Less Real Estate, Inc. 17 E. 6th Street Suite 222 Tracy, CA 95376 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 036. First Use: 20020321First Use In Commerce: 20020321  
All goods and seviles in the class are opposed, namely: Real Estate Brokerage

**Attachments**

Opposition to FULL SERVICE - SMART SAVINGS.pdf ( 3 pages )

**Signature**

/scott gronek/

**Name**

Scott A. Gronek

**Date**

04/07/2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application:

Serial No.: 78/358,132  
Applicant: List4Less Real Estate, Inc.  
Mark: FULL SERVICE – SMART SAVINGS!  
Published: February 8, 2005

ASSIST-2-SELL, INC.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.:
	)	
LIST4LESS REAL ESTATE, INC.,	)	
	)	
Applicant.	)	

Opposer, Assist-2-Sell, Inc. (“Opposer”) is a corporation duly organized and existing under the laws of the State of Nevada with its principal place of business at 1610 Meadow Wood Lane, Reno, Nevada 89502. Opposer believes it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is a franchisor of real estate brokerage offices throughout the United States and Canada under the ASSIST 2 SELL mark, which mark is used in various forms.
2. In addition to the ASSIST 2 SELL mark, Opposer is the owner of U.S. Registration No. 2,723,307 for the word mark “FULL SERVICE WITH \$AVINGS!” for real estate consulting and brokerage services in International Class 36. The mark was first used in commerce at least as early as July 22, 2000.

3. Opposer is also the owner of pending trademark application Serial No. 75/983,063 for the word mark “FULL SERVICE WITH \$AVINGS!” for franchising, namely, offering technical assistance in establishment and operation of real estate offices, in International Class 35.

4. Opposer has developed extensive goodwill with respect to its marks, including the “FULL SERVICE WITH \$AVINGS!” marks. Opposer and its franchisees have expended substantial sums in the advertising and promotion of their services, and by their efforts and considerable expenditures have developed an extensive and valuable reputation for the “FULL SERVICE WITH \$AVINGS!” marks.

5. Opposer is informed and believes that on or about February 21, 2002, John Yonan, the principal owner of List4Less Real Estate, Inc. (hereinafter “Applicant”) contacted Opposer to inquire about Opposer’s franchise system of real estate brokerage offices.

6. Opposer is informed and believes that on or about January 27, 2004, Applicant filed an application to register the alleged mark FULL SERVICE – SMART SAVINGS! for real estate brokerage in International Class 36, alleging a first use date of March 21, 2002.

7. The application for the above-identified mark was published in the Official Gazette of the United States Patent and Trademark Office on February 8, 2005.

8. Opposer is informed and believes that the services set forth in the application for the above-identified mark are the same, similar and/or related to, the services in connection with which Opposer and its franchisees use Opposer’s “FULL SERVICE WITH \$AVINGS!” marks.

9. Opposer is informed and believes that the services set forth in the application for the above-identified mark are and/or will be sold through the same and/or similar channels of

trade, and/or to the same general class of consumers, in and to which the services and business of Opposer and its franchisees are marketed and sold.

10. Opposer believes that Applicant is attempting to benefit from the goodwill already established by Opposer in its “FULL SERVICE WITH SAVINGS!” marks. Opposer believes that Applicant’s use of the proposed mark will create a likelihood of confusion, and will confuse the purchasing public into believing that the services or other things offered by Applicant are sponsored by or affiliated with Opposer. Opposer is informed and believes that Applicant’s proposed mark is likely to confuse Opposer’s customers, potential customers, and the public generally in relation to its above-mentioned “FULL SERVICE WITH SAVINGS!” marks.

11. Opposer has not and does not consent in any way to Applicant’s proposed use or registration of the above-identified mark.

WHEREFORE, Opposer respectfully requests that the registration of Applicant’s above-identified mark under application Serial No. 78/358,132 be refused and that this Opposition be sustained.

Respectfully submitted,

Scott A. Gronek, Esq.  
General Counsel, Assist-2-Sell, Inc.